

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.796 OF 2004

Infomedia India Ltd. .. Petitioner

Vs.

Jasubhai Digital Media P.Ltd. .. Respondent

Shri M.G.Mimani for the petitioner

Shri P.A.Jani for the company

CORAM: S.U.KAMDAR, J  
DATE : 11TH APRIL 2005

P.C.:

1. The present petition is filed for the recovery of claim of Rs.30,25,550/- comprising of the amount of Rs.5,81,770/- covered under three dishonoured cheques and claim for damages of Rs.24,13,885/-. In the present case the contract has been terminated in September 2003 and it is an admitted position that at the date of termination of contract goods belonging to the company were lying with the petitioner. According to the respondent company the said goods were valued at 17,24,849/- whereas according to the petitioner the said goods were of the value of Rs.12,26,850.40. It is the contention of the petitioner that after

considering adjustment thereto cheques are issued on 11.2.04, 17.2.04 and 18.2.04 for aggregating to the amount of Rs.5,81,770/- whereas respondents have filed reply and has contended that the said cheques were post dated cheques and actually did not take into account set off towards goods appropriated by petitioner belonging to respondent company. From the correspondence it is clear that the cheques were given in advance. There is a dispute as to the value of the goods which were lying with the petitioners and that the petitioner has already appropriated the said goods. Part of the claim is in respect of damages which the petitioners state they are not pressing for the same at this stage.

2. I am of the opinion that in the present case there are bonafide disputes raised by the company in so far amount claimed by the petitioners is concerned. There is also a dispute in respect of the amount of the goods appropriated by the petitioners. There are bonafide disputes in the present petition. In view thereof, I dismiss the petition. Since there are bonafide disputes raised

in the present petition, Petition is dismissed.  
There are no orders as to costs.